

REMARKS

Claims 25 to 32, 39 to 41, 43 to 50, 52 to 56, 60, and 62 are pending in this application.¹ Of these, claims 25, 39, 48, 60, and 62 are independent. Favorable reconsideration and further examination are respectfully requested.

Claims 25 to 32, 39 to 41, 43 to 50, 52 to 56, 60 and 62 were rejected over U.S. Patent No. 5,823,879 (Goldberg) in view of U.S. Publication No. 2003/0229893 (Sgaraglino). As shown above, Applicants have amended the independent claims to define the invention with greater particularity. In view of these amendments, withdrawal of the art rejections is respectfully requested.

The independent claims have been amended to recite that the interactive activity is encompassed by a first form and that the advertising information or advertisement is encompassed by a second form. The first form includes an input area for providing an input for use in obtaining additional information relating to the advertising information. A signal is received via the input area indicating an interest in receiving information regarding the advertising. That signal is received in response to interaction with the interactive activity.

The applied art is not understood to disclose or to suggest these features of the claims. As previously explained, Sgaraglino describes a system that obtains a user information, such as an e-mail address, beforehand and, when a user clicks on an advertisement displayed in a user interface, such as a Web page, the system forward the user's information to a central location. Sgaraglino also describes that an advertisement may include a video message or the like

¹ The Examiner is urged to independently confirm this recitation of the pending claims.

containing "hot spots". In this context, a hot spot is a selectable area of the message that results in follow-up material being supplied to the user. Thus, Sgaraglino requires a user to interact with the advertising in order to output user information. Accordingly, there would be no need, in Sgaraglino, for the separate arrangement of forms, which is now claimed.

Goldberg was cited for its disclosure of an interactive activity that is separate from an advertisement.² It is true that Goldberg describes separate advertising and gaming. In this regard, Goldberg describes that some advertisements may be part of a game play presentation, and that a user may interact with the advertisements to perform a transaction. Goldberg also describes a user accessing pages containing advertising.³ However, there is no indication that Goldberg's gaming is encompassed by a first form and its advertising information is encompassed by a second form, where the first form includes an input area for providing an input for use in obtaining additional information relating to the advertising information.

Accordingly, even if Goldberg were combined with Sgaraglino in the manner suggested in the Office Action, at best, the resulting hypothetical combination would include separate advertising and gaming, and a user accessing the advertising by clicking on the advertising. However, there is no disclosure or suggestion of separate forms encompassing the gaming and the advertising, whereby, by virtue of those forms, it is possible to receive input in response to the user's interaction with the interactive activity, where the input includes information relating to the user's participation in the interactive activity and a request from the user to receive additional information relating to the advertisement.

² Office Action, page 15

³ Col. 25, lines 24 to 55

For at least the foregoing reasons, the independent claims are believed to be patentable over the combination of Goldberg and Sgaraglino.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Applicants : Mark Hermann, et al.
Serial No. : 09/599,675
Filed : June 22, 2000
Page : 15 of 15

Attorney's Docket No.: 10984-287001

Please apply any fees or credits due in this case, which are not already covered by check,
to Deposit Account 06-1050 referencing Attorney Docket No. 10984-287001.

Respectfully submitted,

Date: August 10, 2007



Paul A. Pyscher
Reg. No. 40,780

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21707308.doc